

SENATE BILL 2947
By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 4; Title 5; Title 8; Title 9; Title 11; Title 13 and Title 18, relative to duties of district attorneys general and public officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-6-111, is amended by deleting the word "direct" and substitute instead the word "notify"; by deleting the comma after the word "reside" and substituting instead a period; and by deleting the words "to move against the county executive; and, if convicted, such county executive shall be removed from office", and substituting instead the words "Such county executive, if convicted, shall be removed from office."

SECTION 2. Tennessee Code Annotated, Section 5-9-308(a), is amended by deleting the words "district attorney general and".

SECTION 3. Tennessee Code Annotated, Section 5-9-308(b), is amended by deleting the words "and district attorney general".

SECTION 4. Tennessee Code Annotated, Section 8-7-103, is deleted in its entirety and the following substituted instead:

Each District Attorney General:

(1) Shall prosecute in the courts of his or her district all violations of the State criminal statutes and perform all prosecutorial functions attendant thereto, including

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prosecuting cases in a municipal court where the municipality provides sufficient personnel to the district attorney general for that purpose;

(2) May bring suit in the name of the State in the discretion of the district attorney general in any civil matter wherein the State is a party or has an interest and where the Attorney General and Reporter or Department Staff Attorney has failed to act;

(3) Shall prosecute in the federal court all criminal cases removed from a state court in the district to any inferior court.

(4) May cooperate and assist, upon the request or direction of the Attorney General and Reporter, in the bringing, prosecution, defense, preparation, and trial of all cases in the circuit and chancery courts in which the Attorney General and Reporter is required to appear for the protection of the state or the public interest;

(5) Shall give an opinion, without charge, whenever called upon by any county officer in the district, upon a question of criminal law relating to the duties of the county officer's office;

(6) Shall submit to the office of Executive Director for the District Attorneys General Conference within ninety (90) days after the end of each fiscal year, a written report specifying:

(A) Each source from which funds were received by the office of the District Attorney General during the fiscal year;

(B) The amount of funds received from each source; and

(C) The disposition of such funds.

(7) Shall have discretion in the performance of duties and responsibilities in the allocation of resources available to him or her, any other provision of law notwithstanding, and;

(8) Shall have authority to delegate the foregoing duties and responsibilities to an assistant district attorney general.

SECTION 5. Tennessee Code Annotated, Section 8-13-117, is amended by deleting the second sentence including the words “It is the duty of the district attorney general to prosecute all violations thereof, ex officio.”

SECTION 6. Tennessee Code Annotated, Title 9, Chapter 2, is amended by deleting Sections 9-2-120, 9-2-123 and 9-2-126 each in their entirety.

SECTION 7. Tennessee Code Annotated, Section 11-14-115, is amended by deleting the second sentence.

SECTION 8. Tennessee Code Annotated, Section 13-3-403(b), is amended by deleting the words “The district attorney general for the judicial district” and substituting instead the words “The attorney for the county”.

SECTION 9. Tennessee Code Annotated, Section 11-14-403, is amended by deleting the second sentence including the words “It is the duty of the district attorney general to prosecute violations of this part.”

SECTION 10. Tennessee Code Annotated, Title 18, Chapter 1, is amended by deleting Sections 18-1-111, 18-1-112 and 18-1-304 in their entirety.

SECTION 11. Tennessee Code Annotated, Section 18-4-103, is amended by deleting Sections 18-4-103 (5) and (7) in their entirety.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.